

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No. : 10/534,230 Confirmation No.: 3376  
Applicant : ANTHONY J. WATLING  
Filed : MAY 6, 2005

Group Art Unit: 1762  
Examiner: PARKER, Frederick

Docket No.: 415.0011  
Customer No.: 25534

For : COLOURING MASONRY SURFACES

**ELECTION IN RESPONSE TO RESTRICTION AND  
ELECTION OF SPECIES REQUIREMENT**

Assistant Commissioner of Patents  
Alexandria, Virginia 22314

Sir:

In response to the Restriction/Election of Species Requirement dated February 14, 2008, Applicants respectfully traverse the withdrawal of Claims 53-58 and elect (b) absorbent sands in a concrete mix.

Claims 2-10, 32-34, 36, 39-43, 45, and 48-52 read upon the elected species.

**I. Restriction: Withdrawn Claims 53-58**

Applicants respectfully traverse the withdrawal of Claims 53-58. Claims 53-57 substantially correspond to the subject matter of original and already-examined Claims 11-13 and 20-22, particularly as to clay brick and slurry type, contrary to the assertion in the Office Action. Further, U.S. Patent No. 3,799,716 (Salts) was cited by the Examiner in the previous Office Action dated August 28, 2007 and was discussed at the personal

interview on November 20, 2007 as specifically applied to claims reciting the same subject matter as instant Claims 53-57.

Thus, Claims 53-57 are not separate and unrelated inventions and would not require any further burdensome search and/or examination. In fact, the Office Action received on the merits already addresses the subject matter of Claims 53-57.

Applicants respectfully assert that search and examination of Claim 58 will not be an undue burden in view of examination of pending Claim 51.

Applicants also respectfully note that 37 C.F.R. 1.142(b) and MPEP 821.03 and do not apply as the present application is a PCT national stage application.

## II. Election of Species: Unity of Invention

The subject matter of independent Claims 32 and 42, which recite modifying the reactivity of one or more faces of a masonry product or masonry surface by pre-treating with one or more of (a) a mineral paint based upon a silicate chemistry of sodium or potassium; (b) absorbent sands in a concrete mix; or (c) acid etching, substantially correspond to the subject matter of original and already-examined Claims 18 and 24.

Accordingly, asserted species (a)-(c) do not require any further burdensome search and/or examination. Further, Unity of Invention for the claimed subject matter has already been established upon entry of this national stage PCT application and by receipt of the first Office Action on the merits.

Applicants respectfully request that all pending claims and asserted species (a)-(c) be examined at this time to avoid duplicative examination and unnecessary expense to Applicants.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/Warren A. Zitlau/

---

Warren A. Zitlau  
Reg. No. 39,085

CAHN & SAMUELS, LLP  
1100 17<sup>th</sup> St., NW, Ste. 401  
Washington, D.C. 20036  
Telephone: (202) 331-8777  
Fax: (202) 331-3838

Date: March 7, 2008